

REMARKS/ARGUMENTS

Claim 28 has been amended to focus on the electroluminescent devices set forth in claims 34-36, as exemplified in examples 1-5 of the present application.

No new matter has been added through these amendments.

Claims 28-53 are currently pending.

The Office Action also rejected claims 28-33, 39-53 under 35 U.S.C. 103 as obvious over PCT patent application publication no. WO 02/06889 ("Giron") in view of U.S. patent 5,846,854 ("Giraud"), claim 34 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent application publication no. 2002/0121860 ("Seo"), claims 35, 37 and 38 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent 6,416,885 ("Towns"), and claim 36 under 35 U.S.C. 103 as obvious over Giron, Giraud and U.S. patent 6,280,559 ("Terada"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of the pending rejection.

Initially, Applicants note that claims 34-36 were not rejected on the combination of Giron and Giraud. Accordingly, Applicants respectfully request reconsideration and withdrawal of the obviousness rejection based on these two references alone.

The claims are directed to electroluminescent devices having specified electroactive multilayer stacks. The asserted art neither teaches nor suggests such devices.

For typical electrochromic devices, the active system requires a low DC voltage among 1 or 2 Volts. This is referred to as “remote field.” Under such low voltage requirement, no risk of arcing exists. Accordingly, no motivation would exist to modify to Giron’s structure to address instances where the risk of arcing exists, nor would any motivation exist to use Giron’s structure in such a situation. The Office has not provided any evidence to the contrary.

In contrast, the risk of arcing exists for electroluminescent devices.

By way of explanation, the process for converting electrical energy into light by means of the invention electroluminescent systems required current leads for supplying the electrodes, which are generally in the form of two electrically conducting layers on either side of the active layer or of the various active layers of the system. These current leads must ensure both the flow of **high currents** in the case of organic systems (these require charge carriers), and **high voltages** in the case of inorganic systems (a high electric field is needed to accelerate the electrons). Additionally, these current leads must distribute the current uniformly over the surface of the functional layer so as to minimize phenomena liable to result in the destruction of the functional layer (the layer made of electroluminescent material), such as, for example, **breakdown or arcing phenomena**, to provide uniform illumination to the surface.

Thus, whereas for an electrochromic device, there is low voltage and no risk of arcing, electroluminescent devices are associated with high voltage and higher risk of arcing. That is, the different structures of the two types of devices lead to different properties, including to different voltage and risk of arcing properties. These types of devices are sufficiently different such that one of ordinary skill in the art, looking to solve problems

associated with electroluminescent devices, would not have turned to electrochromic devices for a solution, meaning that one of ordinary skill in the art would not have looked to Giron to address problems in electroluminescent devices. Stated another way, Giron and Giraud are not properly combinable as their teachings are too disparate.

It is only through hindsight, using the disclosure in the present application as a guide, that such a combination could be made. Such hindsight is impermissible, and cannot form the basis for a proper rejection.

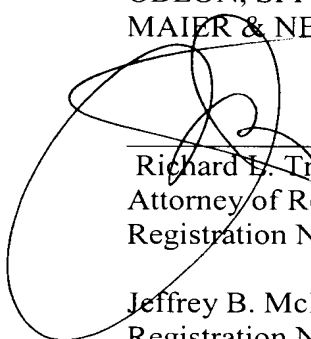
The tertiary references, Seo, Towns, and Terada, cannot compensate for Giraud's and Giron's deficiencies. Nothing in any of the applied art would have motivated one of ordinary skill in the art to look to Giron to address problems in electroluminescent devices, using the specific electroluminescent device structures, including the specific electroactive multilayer stacks, found in claim 28.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 103

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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